

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

Track Three Cases

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**PLAINTIFFS' SUBMISSION PURSUANT TO SECTION III(C) OF THE TRACK THREE
ABATEMENT PHASE TRIAL ORDER**

Plaintiffs intend to introduce into evidence the entire April 16, 2021 report of Katherine Keyes, PHD. Dr. Keyes testified extensively in the liability phase of the trial and she described the nature and extent of the opioid epidemic in the United States and in Ohio and Lake and Trumbull Counties. She also testified how the oversupply of prescription opioids led to diversion and to the harms suffered by Lake and Trumbull Counties. She described how the increased supply of opioids contributed substantially to the increase in the incidence and prevalence of non-medical opioid use and non-medical opioid use disorder. It also caused an increase in prescription opioid deaths. She described how the number of opioid prescriptions remained high in 2019 and was significantly higher than it was in the mid 1990's. She also testified about the so-called "gateway theory" which describes the connection between prescription opioids use and misuse and the ingestion of heroin and synthetic fentanyl. She described the numerous studies that show approximately 70-80% of individuals who used heroin in the past 20 years started their opioid use with prescription opioids. And the same holds true with

synthetic opioids like fentanyl. She described in her report and in her testimony in the liability phase that the existing studies, including the data from the National Household Survey on Drug Use and Health (NSDUH), severely underestimate opioid use disorder. The defendants' experts dispute many of these opinions and so it is important for the Court to consider her entire report in combination with her testimony in the liability phase and in the abatement phase.

Specifically, Plaintiffs point to Dr. Keyes' report beginning at p. 45 to p. 61 which contain her Lake and Trumbull County specific opinions. This portion of her report, *inter alia*, describes the evidence of the burden of the opioid epidemic on the two counties, the increases in NAS, emergency room visits, and admissions for treatment due to non-medical opioid use among adults and adolescents which constitute harms to the counties' population. She also calculates the number of individuals in the two counties with opioid use disorder which then serves the basis for Dr. Alexander's abatement categories that deal with the infrastructure, personnel, and medication necessary to treat those patients.

Plaintiffs intend to introduce into evidence the entire April 16, 2021 report of Dr. Nancy Young whose expertise and career concentration has dealt with the harm caused by the opioid epidemic on families whose members suffer from opioid use disorder, and specifically on children who are born with NAS or who live with parents or family members who suffer from OUD. Dr. Young did not testify in the liability phase and so her entire report is relevant to the abatement phase.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on April 26, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger